



# SHIVWITS BAND OF PAIUTES

P.O. Box 448 • Santa Clara, Utah 84765

## SHIVWITS BAND COUNCIL RESOLUTION NUMBER 2001-01 CONCERNING SETTLEMENT OF WATER RIGHTS CLAIMS

WHEREAS, the Shivwits Band is one of five constituent bands of the Paiute Indian Tribe of Utah, which is organized under the Tribal Constitution passed on June 11, 1991 pursuant to the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), and the Shivwits Band Council is the duly-elected governing body of the Shivwits Band with the powers enumerated in Article VIII of that Constitution; and

WHEREAS, the United States filed a water rights claim on behalf of the Shivwits Band in the Virgin River Adjudication, Civil No. 800507596 in the Fifth Judicial District Court in Washington County, Utah, on February 17, 1987, and the Shivwits Band Council has since been involved in negotiations with federal, state, and local parties to reach agreement concerning the quantity and source of the Band's water rights that satisfies the Shivwits Band's long term water needs; and

WHEREAS, Congress passed legislation authorizing our settlement in July, 2000, and the parties then finalized the details on the three main agreements and two side agreements that embody our settlement, and the Council has reviewed the final versions of those agreements distributed in October, 2000; and

WHEREAS, the Band Council has been involved in the details of negotiating all five agreements and has determined that the 4000 acre foot water right satisfies the Band's long term water needs and justifies the waivers of claims, and that these five agreements, when combined, serve the best interests of the Shivwits Band;

**NOW, THEREFORE, BE IT RESOLVED**, that the Shivwits Band Council hereby approves (1) the Memorandum of Understanding among the State, District and Shivwits Band concerning future water development projects; and (2) the Agreement for Sale or Exchange of Domestic Quality Water by and between the Shivwits Band of the Paiute Indian Tribe of Utah and the City of St. George, and,

**NOW BE IT FURTHER RESOLVED**, that conditioned on those two agreements first being executed and enforceable, the Shivwits Band Council hereby approves (3) the Santa Clara Project Agreement, (4) the St. George Water Reuse Agreement, and (5) the Water Rights Settlement